

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

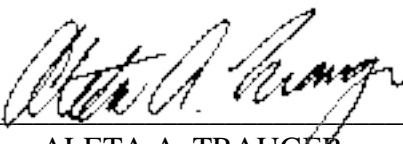
UNITED STATES OF AMERICA )  
                                )  
                                )  
                                )  
v.                            )    Criminal No. 3:12-00041  
                                )  
CHARLES GLENN, IV         )    Judge Trauger  
                                )

**O R D E R**

The defendant has filed a Motion to Dismiss Count Three of the Indictment (Docket No. 79), to which the government has responded in opposition (Docket No. 85). The motion is premature and is hereby **DENIED WITHOUT PREJUDICE**. The defendant seeks to rely upon certain “undisputed facts” in order to characterize his motion as requiring a pure ruling of law, as opposed to being dependent upon factual determinations made by the court or the jury at trial. The government is entitled to put on all of its evidence in an attempt to prove the essential elements of Count Three, after which the court, upon request, will make a determination as to the sufficiency of that evidence under Rule 29, Federal Rules of Civil Procedure.

It is so **ORDERED**.

Enter this 12<sup>th</sup> day of February 2013.



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ALETA A. TRAUGER  
United States District Judge